



Confirmation No.: 9057

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT: Robert H. Wollenberg

EXAMINER: Jeffrey S. Lundgren

SERIAL NO.: 10/779,419

GROUP ART UNIT: 1639

FILED: February 13, 2004

DOCKET NO.: T-6318A (538-69)

FOR: HIGH THROUGHPUT SCREENING
METHODS FOR FUEL COMPOSITIONS

DATED: October 15, 2008

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated October 1, 2008,
Applicant encloses the following:

- 1) A corrected version of the STATUS OF CLAIMS of section 3 on page 2 in the Appeal Brief filed on September 11, 2008 in compliance with 37 C.F.R. §41.37(c)(1)(iii);
- 2) A corrected version of the STATUS OF AMENDMENTS of section 4 on page 2 in the Appeal Brief filed on September 11, 2008 showing the status of the after-final Response in compliance with 37 C.F.R. §41.37(c)(1)(iv); and
- 3) Copy of the Notice of Non-Compliant Appeal Brief.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: MAIL STOP APPEAL BRIEF-PATENTS Commissioner for Patents, Alexandria, VA 22313-1450 on October 15, 2008.

Dated: October 15, 2008



Michael E. Carmen



With respect to the statement in the Notice of Non-Compliant Appeal Brief that the Appeal Brief filed on September 11, 2008 did not contain the correct filing date of the after-final Response, Applicant respectfully submits that this statement is incorrect. The date in which the after-final Response was filed is clearly set forth on page 1 of the Response, i.e., May 12, 2008. The date stated in the Notice of Non-Compliant Appeal Brief, i.e., May 14, 2008, is the date in which the U.S. Patent and Trademark Office *received* the after-final Response. A copy of the first page of the after-final Response showing it was being filed under a Certificate of Mailing on May 12, 2008 is enclosed herein. Accordingly, all outstanding informalities are now believed to be corrected. Should any additional informalities still exist, please contact Applicant's representative to resolve any such matters.

Also, please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-3591. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Respectfully submitted,

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Enclosures

(1) **REAL PARTY IN INTEREST**

The real party in interest for this application is Chevron Oronite Company LLC.

(2) **RELATED APPEALS AND INTERFERENCES**

There are no other related appeals or interferences for this application.

(3) **STATUS OF CLAIMS**

Claims 1-17, 62 and 63 are pending, stand rejected and are under appeal and Claims 18-61 are cancelled. A copy of appealed Claims 1-17, 62 and 63 as pending is presented in the Appendix.

(4) **STATUS OF AMENDMENTS**

Appellant's claims were finally rejected in a final Office Action mailed February 11, 2008. Appellant's submitted a Response on May 12, 2008 in response to the final Office Action. An Advisory Action was mailed on June 19, 2008 in which the Examiner entered the Response, but maintained the rejection of pending Claims 1-17, 62 and 63.

(5) **SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention of the appealed claims directed to independent Claim 1 provides a high throughput method for screening fuel additive composition samples for deposit formation under program control (page 3, lines 8-11 and page 5, lines 10-12). The first step of the method of the present invention of the appealed claims includes providing a plurality of different fuel additive composition samples, each sample comprising at least one fuel additive (page 3, lines